

IN THE CLAIMS:

1. (Currently Amended) A structure for use as a tree well skirt or sidewalk, comprising:

a base layer of rubber and a first binder; and

a ~~[[base]]~~ wear layer of ethylene propylene diene monomer (EPDM) and a second binder on top of the base layer.

2. (Original) The structure of claim 1 wherein the rubber of the base layer is butadiene rubber.

3. (Original) The structure of claim 2 wherein the butadiene rubber is recycled vehicle tires or industrial rubber.

4. (Currently Amended) The structure of claim 2 wherein the first binder is isocyanate polyurethane.

5. (Currently Amended) The structure of claim 4 wherein the ratio of the first binder to butadiene rubber in the base layer is 16% by weight.

6. (Original) The structure of claim 2 wherein the butadiene rubber is in granular form.

7. (Original) The structure of claim 6 wherein the rubber granules of butadiene rubber are in the range of 1.5 mm to 6 mm, inclusive.

8. (Original) The structure of claim 3 wherein the butadiene rubber is in the form of peelings or buffings.

9. (Original) The structure of claim 2 wherein the butadiene rubber is in the form of a mixture of granules and peelings or buffings.

10. (Original) The structure of claim 9 wherein the mixture of granules to peelings or buffings is 70% granules and 30% peelings or buffings.

11. (Original) The structure of claim 9 where the mixture of granules to peelings or buffings is 50% granules and 50% peelings or buffings.

12. (Original) The structure of claim 10 or 11 wherein the butadiene rubber is recycled vehicle tires or industrial rubber.

13. (Original) The structure of claim 2 wherein the base layer is one and one-half to three and one-half inches thick.

14. (Original) The structure of claim 2 wherein the base layer is two inches thick.

15. (Currently Amended) The structure of claim 1 wherein the second binder of the wear layer is isocyanate polyurethane.

16. (Currently Amended) The structure of claim 15 wherein the ratio of the second binder to EPDM is 20% by weight.

17. (Original) The structure of claim 16 wherein the EPDM is granular.

18. (Original) The structure of claim 17 wherein the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

19. (Original) The structure of claim 1 wherein the binder of the wear layer contains aliphatic diisocyanate.

20. (Original) The structure of claim 19 wherein the EPDM is granular and the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

21. (Original) The structure of claim 1 wherein the base layer is two inches to three inches thick and the wear layer is three-eighths to one-half inch thick.

22. (Withdrawn) A method of forming a tree well skirt, the steps of the method comprising:

mixing butadiene rubber and a binder to form a pourable slurry;

pouring the slurry of rubber and binder in place around a tree to form the base layer of a tree well skirt;

mixing ethylene propylene diene monomer (EPDM) and a binder to form a pourable slurry;

pouring the slurry of EPDM and binder in place over the base layer to form a wear layer; and

leveling the poured ethylene propylene diene monomer and binder slurry.

23. (Withdrawn) The method of claim 22 wherein the pouring rubber and binder step include pouring a base layer that is one and one-half to three and one-half inches thick.

24. (Withdrawn) The method of claim 23 where the pouring EPDM and binder step include pouring a wear layer that is three-eighths to one-half inch thick.

25. (Withdrawn) The method of claim 22 wherein the rubber in the base layer is a butadiene rubber recycled from vehicle tires to industrial rubber and the binder is isocyanate polyurethane.

26. (Withdrawn) The method of claim 25 wherein the binder in the wear layer is isocyanate polyurethane.

27. (Withdrawn) The method of claim 22 wherein the butadiene rubber is in the form of granules or peelings or buffings.

28. (Withdrawn) The method of claim 22 wherein the butadiene rubber is a mixture of granules and peelings or buffings at a ratio of 50% granules and 50% peelings or buffings.

29. (Withdrawn) The method of claim 27 or 28 wherein the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

30. (Withdrawn) The method of claim 22 wherein the EPDM granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

31. (Withdrawn) A method of forming a sidewalk for use around trees, the steps of the method comprising:

preparing a form to outline the sidewalk;

preparing a leveling layer of porous composite material in the form;

mixing butadiene rubber and a binder to form a pourable slurry;

pouring the slurry of rubber and binder in place in the form or the leveling layer to form the base layer of the sidewalk;

leveling the poured rubber and binder slurry;

mixing ethylene propylene diene monomer (EPDM) and a binder to form a pourable slurry;

pouring the slurry of EPDM and binder in place over the base layer to form a wear layer; and

leveling the poured EPDM and binder slurry.

32. (Withdrawn) The method of claim 31 wherein the pouring rubber and binder step includes pouring a base layer that is two inches to three inches thick.

33. (Withdrawn) The method of claim 32 wherein the pouring EPDM and binder step includes pouring a wear layer that is three-eighths to one-half inch thick.

34. (Withdrawn) The method of claim 31 wherein the rubber in the base layer is a butadiene rubber recycled from vehicle tires or industrial rubber and the binder is isocyanate polyurethane.

35. (Withdrawn) The method of claim 34 wherein the binder in the wear layer is isocyanate polyurethane.

36. (Withdrawn) The method of claim 34 wherein the binder in the wear layer contains aliphatic diisocyanate.

37. (Withdrawn) The method of claim 31 wherein the butadiene rubber is in the form of granules.

38. (Withdrawn) The method of claim 31 wherein the butadiene rubber is a mixture of granules and peelings or buffings at a ratio of 70% granules and 30% peelings or buffings.

39. (Withdrawn) The method of claim 37 or 38 wherein the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

40. (Withdrawn) The method of claim 31 wherein the EPDM is granular, with the granules being in the range of 1.5 mm to 6 mm in diameter, inclusive.